

**TABLE OF CONTENTS**  
**SECTION K**

**SECTION K**

**U.S. DEPARTMENT OF ENERGY**

**REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS**

**OF BIDDERS/OFFERORS . . . . . 3**

**K-1. 52.203-11 Certification and Disclosure Regarding Payments to Influence  
Certain Federal Transactions (Apr 1991) . . . . . 3**

**K-2. 52.204-3 Taxpayer Identification (Jun 1997) . . . . . 4**

**K-3. 52.204-5 Women-Owned Business (OCT 1995) . . . . . 5**

**K-4. 52.204-6 Data Universal Numbering System (DUNS) Number (Apr 1998) . . 6**

**K-5. 52.209-5 Certification Regarding Debarment, Suspension, Proposed  
Debarment, and Other Responsibility Matters (MAR 1996) . . . . . 6**

**K-6. 52.215-4 Type of Business Organization (Oct 1997) . . . . . 8**

**K-7. 52.219-1 Small Business Program Representations (Oct 1998) . . . . . 8**

**K-8. 52.222-21 Certification of Nonsegregated Facilities (APR 1984) . . . . . 10**

**K-9. 52.222-22 Previous Contracts and Compliance Reports (APR 1984) . . . . . 11**

**K-10. 52.222-25 Affirmative Action Compliance (APR 1984) . . . . . 13**

**K-11. 52.223-1 Clean Air and Water Certification (APR 1984) . . . . . 13**

**K-12. 52.223-13 Certification of Toxic Chemical Release Reporting (OCT 1996)  
. . . . . 13**

**K-13. 52.225-1 Buy American Certificate (DEC 1989) . . . . . 14**

**K-14. 52.230-1 Cost Accounting Standards Notices and Certification (Apr 1998)  
*Alternate I (Apr 1996)* . . . . . 15**

**K-15. 952.204-73 Foreign Ownership, Control or Influence over Contractor (Jul  
1997) (Alternate I)(Dec 1993) . . . . . 19**

**K-16. 970.5204-57 Agreement Regarding Workplace Substance Abuse Programs at  
DOE Sites (Sep 1997) . . . . . 23**

**K-17. Signature/Certification . . . . . 24**

RFP No. DE-RP05-99OR22725  
Draft Section K - December 1998

This Page Is Intentionally Left Blank

**SECTION K**  
**U.S. DEPARTMENT OF ENERGY**  
**REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS**  
**OF BIDDERS/OFFERORS**

**SOLICITATION NO. DE-RP05-99OR22725**

Various statutes and regulations require Federal agencies to obtain certain representations, certifications, and other statements from offerors in connection with the award of contracts. To this end, all offerors submitting a proposal in response to this solicitation must complete

**K-1. 52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (Apr 1991)**

- (a) The definitions and prohibitions contained in the clause, at FAR 52.203-12, Limitation on Payments to Influence Certain Federal Transactions, included in this solicitation, are hereby incorporated by reference in paragraph (b) of this certification.
- (b) The offeror, by signing its offer, hereby certifies to the best of his or her knowledge and belief that on or after December 23, 1989--
  - (1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement;
  - (2) If any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with this solicitation, the offeror shall complete and submit,

with its offer, OMB standard form LLL, Disclosure of Lobbying Activities, to the Contracting Officer; and

- (3) He or she will include the language of this certification in all subcontract awards at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and disclose accordingly.
- (c) Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by section 1352, title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

**K-2. 52.204-3 Taxpayer Identification (Jun 1997)**

- (a) Definitions.

“Common parent,” as used in this solicitation provision, means that corporate entity that owns or controls an affiliated group of corporations that files its Federal income tax returns on a consolidated basis, and of which the offeror is a member.

“Corporate status,” as used in this solicitation provision, means a designation as to whether the offeror is a corporate entity, an unincorporated entity (e.g., sole proprietorship or partnership), or a corporation providing medical and health care services.

“Taxpayer Identification Number (TIN),” as used in this solicitation provision, means the number required by the IRS to be used by the offeror in reporting income tax and other returns.

- (b) All offerors are required to submit the information required in paragraphs (c) through (e) of this solicitation provision in order to comply with reporting requirements of 26 U.S.C. 6041A, and 6050M and implementing regulations issued by the Internal Revenue Service (IRS). If the resulting contract is subject to the reporting requirements described in FAR 4.903, the failure or refusal by the offeror to furnish the information may result in a 31 percent reduction of payments otherwise due under the contract.

(c) Taxpayer Identification Number (TIN).

- ☐ TIN: \_\_\_\_\_
- ☐ TIN has been applied for.
- ☐ TIN is not required because:
  - ☐ Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the U. S. and does not have an office or place of business or a fiscal paying agent in the U. S.;
  - ☐ Offeror is an agency or instrumentality of a foreign government;
  - ☐ Offeror is an agency or instrumentality of a Federal, state, or local government;
  - ☐ Other. State basis. \_\_\_\_\_

(d) Corporate Status.

- ☐ Corporation providing medical and health care services, or engaged in the the billing and collecting of payments for such services;
- ☐ Other corporate entity;
- ☐ Not a corporate entity;
  - ☐ Sole proprietorship
  - ☐ Partnership
  - ☐ Hospital or extended care facility described in 26 CFR 501(c)(3) that is exempt from taxation under 26 CFR 501(a) ;

(e) Common Parent

- ☐ Offeror is not owned or controlled by a common payment as defined in paragraph (a) of this provision.
- ☐ Name and TIN of common parent:  
Name \_\_\_\_\_  
TIN \_\_\_\_\_

**K-3. 52.204-5 Women-Owned Business (OCT 1995)**

- (a) Representation. The offeror represents that it ( ) is, ( ) is not a women-owned business concern.
- (b) Definition. "Women-Owned Business Concern" as used in this provision, means a concern which is at least 51 percent owned by one or more women; or in the case of a publicly owned business, at least 51 percent of the stock of which is owned by

one or more women; and whose management and daily business operations are controlled by one or more women.

**K-4. 52.204-6 Data Universal Numbering System (DUNS) Number (Apr 1998)**

- (a) The offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation "DUNS" followed by the DUNS number that identifies the offeror's name and address exactly as stated in the offer. The DUNS number is a nine-digit number assigned by Dun and Bradstreet Information Services.
- (b) If the offeror does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one. A DUNS number will be provided immediately by telephone at no charge to the offeror. For information on obtaining a DUNS number, the offeror, if located within the United States, should call Dun and Bradstreet at 1-800-333-0505. The offeror should be prepared to provide the following information:
  - (1) Company name.
  - (2) Company address.
  - (3) Company telephone number.
  - (4) Line of business.
  - (5) Chief executive officer/key manager.
  - (6) Date the company was started.
  - (7) Number of people employed by the company.
  - (8) Company affiliation.
- (c) Offerors located outside the United States may obtain the location and phone number of the local Dun and Bradstreet Information Services office from the Internet home page at <http://www.dnb.com/>. If an offeror is unable to locate a local service center, it may send an e-mail to Dun and Bradstreet at [globalinfo@mail.dnb.com](mailto:globalinfo@mail.dnb.com).

**K-5. 52.209-5 Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters (MAR 1996)**

- (a) The Offeror certifies:
  - (1) to the best of its knowledge and belief, that:

- (i) The Offeror and/or any of its Principals:
  - (A) Are ☐ are not ☐ presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;
  - (B) Have ☐ have not ☐, within a 3-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and
  - (C) Are ☐ are not ☐ presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in subdivision (a)(1)(i)(B) of this provision.
- (ii) The Offeror has ☐ has not ☐, within a 3-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.
- (2) "Principals," for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

THIS CERTIFICATION CONCERNS A MATTER WITHIN THE JURISDICTION OF AN AGENCY OF THE UNITED STATES AND THE MAKING OF A FALSE, FICTITIOUS, OR FRAUDULENT CERTIFICATION MAY RENDER THE MAKER SUBJECT TO PROSECUTION UNDER SECTION 1001, TITLE 18, UNITED STATES CODE.

- (b) The Offeror shall provide immediate written notice to the Contracting Officer if, at any time prior to contract award, the Offeror learns that its certification was

erroneous when submitted or has become erroneous by reason of changed circumstances.

- (c) A certification that any of the items in paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the Offeror's responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by the Contracting Officer may render the Offeror nonresponsible.
- (d) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- (e) The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Government, the Contracting Officer may terminate the contract resulting from this solicitation for default.

**K-6. 52.215-4 Type of Business Organization (Oct 1997)**

The offeror or respondent, by checking the applicable box, represents that--

- (a) It operates as ☐ an individual, ☐ a partnership, ☐ a nonprofit organization, ☐ a joint venture, or ☐ a corporation incorporated under the laws of the State of \_\_\_\_\_.
- (b) If the offeror or respondent is a foreign entity, it operates as ☐ an individual, ☐ a partnership, ☐ a nonprofit organization, ☐ a joint venture, or ☐ a corporation, registered for business in \_\_\_\_\_. (country)

**K-7. 52.219-1 Small Business Program Representations (Oct 1998)**

- (a) (1) The standard industrial classification (SIC) code for this acquisition is ☐ (2) The small business size standard is ☐.



- (3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is [ ] employees.

(b) Representations.

- (1) The offeror represents as part of its offer that it [ ] is, [ ] is not a small business concern.
- (2) (Complete only if offeror represented itself as a small business concern in paragraph (b)(1) of this provision.) The offeror represents, for general statistical purposes, that it [ ] is, [ ] is not a small disadvantaged business concern as defined in 13 CFR 124.1002.
- (3) (Complete only if offeror represented itself as a small business concern in paragraph (b)(1) of this provision.) The offeror represents as part of its offer that it [ ] is, [ ] is not a women-owned small business concern.

(c) Definitions.

"Small business concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and the size standard in paragraph (a) of this provision.

"Women-owned small business concern," as used in this provision, means a small business concern--

- (1) Which is at least 51 percent owned by one or more women or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and
- (2) Whose management and daily business operations are controlled by one or more women.

(d) Notice.

- (1) If this solicitation is for supplies and has been set aside, in whole or in part, for small business concerns, then the clause in this solicitation providing notice of the set-aside contains restrictions on the source of the end items to be furnished.
- (2) Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small or small disadvantaged business concern in order to obtain a contract to be awarded under the preference programs established pursuant to section 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall--
  - (i) Be punished by imposition of a fine, imprisonment, or both;
  - (ii) Be subject to administrative remedies, including suspension and debarment; and
  - (iii) Be ineligible for participation in programs conducted under the authority of the Act.

**K-8. 52.222-21 Certification of Nonsegregated Facilities (APR 1984)**

- (a) "Segregated facilities," as used in this provision, means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees, that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin because of habit, local custom, or otherwise.
- (b) By the submission of this offer, the offeror certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The offeror agrees that a breach of this certification is a violation of the Equal Opportunity clause in the contract.
- (c) The offeror further agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) it will--

- (1) Obtain identical certifications from proposed subcontractors before the award of subcontracts under which the subcontractors will be subject to the Equal Opportunity clause;
- (2) Retain the certifications in the files; and
- (3) Forward the following notice to the proposed subcontractors (except if the proposed subcontractors have submitted identical certifications for specific time periods):

**NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR  
CERTIFICATIONS OF NONSEGREGATED FACILITIES.**

A Certification of Nonsegregated Facilities must be submitted before the award of a subcontract under which the subcontractor will be subject to the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

**K-9. 52.222-22 Previous Contracts and Compliance Reports (APR 1984)**

The offeror represents that--

- (a) It [ ] has, [ ] has not participated in a previous contract or subcontract subject either to the Equal Opportunity clause of this solicitation, the clause originally contained in Section 310 of Executive Order No. 10925, or the clause contained in Section 201 of Executive Order No. 11114;
- (b) It [ ] has, [ ] has not, filed all required compliance reports; and
- (c) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards.

**K-10. 52.222-25 Affirmative Action Compliance (APR 1984)**

The offeror represents that (a) it [ ] has developed and has on file, [ ] has not developed and does not have on file, at each establishment, affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2), or (b) it [ ] has not previously had contracts subject to the written affirmative action programs requirements of the rules and regulations of the Secretary of Labor.

**K-11. 52.223-1 Clean Air and Water Certification (APR 1984)**

The Offeror certifies that--

- (a) Any facility to be used in the performance of this proposed contract is [ ], is not [ ] listed on the Environmental Protection Agency List of Violating Facilities;
- (b) The Offeror will immediately notify the Contracting Officer, before award, of the receipt of any communication from the Administrator, or a designee, of the Environmental Protection Agency, indicating that any facility that the Offeror proposes to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities; and
- (c) The Offeror will include a certification substantially the same as this certification, including this paragraph (c), in every nonexempt subcontract.

**K-12. 52.223-13 Certification of Toxic Chemical Release Reporting (OCT 1996)**

- (a) Submission of this certification is a prerequisite for making or entering into this contract imposed by Executive Order 12969, August 8, 1995.
- (b) By signing this offer, the offeror certifies that --
  - (1) As owner or operator of facilities that will be used in the performance of this contract that are subject to the filing and reporting requirements described in Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (U.S.C. 11023), and section 6607 of the Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13106), the offeror will file and continue to file for such facilities for the life of the contract the Toxic Chemical Release Inventory Form (Form R) as

described in sections 313(a) and (g) of EPCRA and section 6607 or PPA;  
or--

- (2) None of its owned or operated facilities to be used in the performance of this contract is subject of the Form R filing and reporting requirements because each such facility is exempt for at least one of the following reasons: (Check each block that is applicable.)

- ☐ (i) The facility does not manufacture, process or otherwise use any toxic chemicals listed under section 313(c) of EPCRA, 42 U.S.C. 11023(c).
- ☐ (ii) The facility does not have 10 or more full-time employees as specified in section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A).
- ☐ (iii) The facility does not meet the reporting thresholds of toxic chemicals established under section 313(f) of EPCRA, 42 U.S.C. 11023(f) (including the alternate thresholds at 40 CFR 372.27, provided an appropriate certification form has been filed with EPA).
- ☐ (iv) The facility does not fall within Standard Industrial Classification Code (SIC) designations 20 through 39 as set forth in FAR section 19.102.
- ☐ (v) The facility is not located within any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, or any other territory or possession over which the United States has jurisdiction.

**K-13. 52.225-1 Buy American Certificate (DEC 1989)**

The offeror certifies that each end product, except those listed below, is a domestic end product (as defined in the clause entitled "Buy American Act--Supplies"), and that components of unknown origin are considered to have been mined, produced, or manufactured outside the United States.

(List as necessary)	
Excluded End Products	Country of Origin
_____	_____
_____	_____
_____	_____

Offerors may obtain from the contracting officer lists of articles, materials, and supplies excepted from the Buy American Act.

**K-14. 52.230-1 Cost Accounting Standards Notices and Certification (Apr 1998) *Alternate I (Apr 1996)***

Note: This notice does not apply to small businesses or foreign governments. This notice is in three parts, identified by Roman numerals I through III.

Offerors shall examine each part and provide the requested information in order to determine Cost Accounting Standards (CAS) requirements applicable to any resultant contract.

If the offeror is an educational institution, Part II does not apply unless the contemplated contract will be subject to full or modified CAS coverage pursuant to 48 CFR 9903.201-2(c)(5) or 9903.201-2(c)(6), respectively.

**I. Disclosure Statement--Cost Accounting Practices and Certification**

- (a) Any contract in excess of \$500,000 resulting from this solicitation will be subject to the requirements of the Cost Accounting Standards Board (48 CFR Chapter 99), except for those contracts which are exempt as specified in 48 CFR 9903.201-1.
- (b) Any offeror submitting a proposal which, if accepted, will result in a contract subject to the requirements of 48 CFR Chapter 99 must, as a condition of contracting, submit a Disclosure Statement as required by 48 CFR 9903.202. When required, the Disclosure Statement must be submitted as a part of the offeror's proposal under this solicitation unless the offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal. If an applicable Disclosure Statement has already been submitted, the offeror may satisfy the requirement for submission by providing the information requested in paragraph (c) of Part I of this provision.

Caution: In the absence of specific regulations or agreement, a practice disclosed in a Disclosure Statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed-to practice for pricing proposals or accumulating and reporting contract performance cost data.

(c) Check the appropriate box below:

[ ] (1) *Certificate of Concurrent Submission of Disclosure Statement.* The offeror hereby certifies that, as a part of the offer, copies of the Disclosure Statement have been submitted as follows:

- (i) Original and one copy to the cognizant Administrative Contracting Officer (ACO) or cognizant Federal agency official authorized to act in that capacity (Federal official), as applicable; and
- (ii) One copy to the cognizant Federal auditor.

(Disclosure must be on Form No. CASB DS-1 or CASB DS-2, as applicable. Forms may be obtained from the cognizant ACO or Federal official and/or from the loose-leaf version of the Federal Acquisition Regulation.)

Date of Disclosure Statement: \_\_\_\_\_ Name and Address  
of Cognizant ACO or Federal Official Where Filed:

\_\_\_\_\_

The offeror further certifies that the practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement.

[ ] (2) *Certificate of Previously Submitted Disclosure Statement.* The offeror hereby certifies that the required Disclosure Statement was filed as follows:

Date of Disclosure Statement: \_\_\_\_\_  
Name and Address of Cognizant ACO or Federal Official Where Filed: \_

\_\_\_\_\_

The offeror further certifies that the practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the applicable Disclosure Statement.

- ☐ (3) *Certificate of Monetary Exemption.* The offeror hereby certifies that the offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards of negotiated prime contracts and subcontracts subject to CAS totaling more than \$25 million (of which at least one award exceeded \$1 million) in the cost accounting period immediately preceding the period in which this proposal was submitted. The offeror further certifies that if such status changes before an award resulting from this proposal, the offeror will advise the Contracting Officer immediately.
- ☐ (4) *Certificate of Interim Exemption.* The offeror hereby certifies that (i) the offeror first exceeded the monetary exemption for disclosure, as defined in (3) of this subsection, in the cost accounting period immediately preceding the period in which this offer was submitted and (ii) in accordance with 48 CFR 9903.202-1, the offeror is not yet required to submit a Disclosure Statement. The offeror further certifies that if an award resulting from this proposal has not been made within 90 days after the end of that period, the offeror will immediately submit a revised certificate to the Contracting Officer, in the form specified under subparagraph (c)(1) or (c)(2) of Part I of this provision, as appropriate, to verify submission of a completed Disclosure Statement.
- ☐ (5) *Certificate of Disclosure Statement Due Date by Educational Institution.* If the offeror is an educational institution that, under the transition provisions of 48 CFR 9903.202-1(f), is or will be required to submit a Disclosure Statement after receipt of this award, the offeror hereby certifies that (check one and complete):
- ☐ (i) A Disclosure Statement Filing Due Date of \_\_\_\_\_ has been established with the cognizant Federal agency.
- ☐ (ii) The Disclosure Statement will be submitted within the 6-month period ending \_\_\_\_\_ months after receipt of this award.

Name and Address of Cognizant ACO or Federal Official Where Disclosure Statement is to be Filed: \_\_\_\_\_

Caution: Offerors currently required to disclose because they were awarded a CAS-covered prime contract or subcontract of \$25 million or more in the current



cost accounting period may not claim this exemption (4). Further, the exemption applies only in connection with proposals submitted before expiration of the 90-day period following the cost accounting period in which the monetary exemption was exceeded.

## **II. Cost Accounting Standards--Eligibility for Modified Contract Coverage**

If the offeror is eligible to use the modified provisions of 48 CFR 9903.201-2(b) and elects to do so, the offeror shall indicate by checking the box below. Checking the box below shall mean that the resultant contract is subject to the Disclosure and Consistency of Cost Accounting Practices clause in lieu of the Cost Accounting Standards clause.

- ☐ The offeror hereby claims an exemption from the Cost Accounting Standards clause under the provisions of 48 CFR 9903.201-2(b) and certifies that the offeror is eligible for use of the Disclosure and Consistency of Cost Accounting Practices clause because during the cost accounting period immediately preceding the period in which this proposal was submitted, the offeror received less than \$25 million in awards of CAS-covered prime contracts and subcontracts, or the offeror did not receive a single CAS-covered award exceeding \$1 million. The offeror further certifies that if such status changes before an award resulting from this proposal, the offeror will advise the Contracting Officer immediately.

Caution: An offeror may not claim the above eligibility for modified contract coverage if this proposal is expected to result in the award of a CAS-covered contract of \$25 million or more or if, during its current cost accounting period, the offeror has been awarded a single CAS-covered prime contract or subcontract of \$25 million or more.

## **III. Additional Cost Accounting Standards Applicable to Existing Contracts**

The offeror shall indicate below whether award of the contemplated contract would, in accordance with subparagraph (a)(3) of the Cost Accounting Standards clause, require a change in established cost accounting practices affecting existing contracts and subcontracts.

☐ yes ☐ no

### **K-15. 952.204-73 Foreign Ownership, Control or Influence over Contractor (Jul 1997) (Alternate I)(Dec 1993)**

- (a) For purposes of this provision, a foreign interest is defined as any of the following:

- (1) A foreign government or foreign government agency;
  - (2) Any form of business enterprise organized under the laws of any country other than the United States or its possessions;
  - (3) Any form of business enterprise organized or incorporated under the laws of the U.S., or a State or other jurisdiction within the U.S., which is owned, controlled, or influenced by a foreign government, agency, firm, corporation, or person; or
  - (4) Any person who is not a U.S. citizen.
- (b) Foreign ownership, control, or influence (FOCI) means the situation where the degree of ownership, control, or influence over a contractor by a foreign interest is such that a reasonable basis exists for concluding that compromise of classified information or significant quantity of special nuclear material as defined in 10 CFR Part 710 may result.
- (c) If the offeror has not previously submitted responses to the following questions to DOE as part of the facility security clearance process, then it shall answer the following questions. Answer each question in either the "yes" or "no" column. If the answer is yes, furnish in detail on a separate sheet of paper all the information requested in parentheses. Copies of information which responds to these questions and which was submitted to other Government agencies may be submitted as responses to these questions if the earlier responses are accurate, complete, and current.

This Page Is Intentionally Left Blank

<b>CERTIFICATE PERTAINING TO FOREIGN INTERESTS</b> <i>(Type or print all answers)</i>		Form Approved OMB No. 0704-0194 Expires Dec. 31, 2000
The public reporting burden for this collection of information is estimated to average 70 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0194), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-1302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.		
PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS. RETURN COMPLETED FORM TO YOUR RESPECTIVE COGNIZANT SECURITY OFFICE.		
<b>PENALTY NOTICE</b>		
Failure to answer all questions or any misrepresentation (by omission or concealment, or by misleading, false or partial answers) may serve as a basis for denial of clearance for access to classified information, in addition, Title 18, United States Code 1001, makes it a criminal offense, punishable by a maximum of five (5) years imprisonment, \$15,000 fine or both, knowingly to make a false statement or representation to any Department or Agency	of the United States, as to any matter within the jurisdiction of any Department or Agency of the United States. This includes any statement made herein which is knowingly incorrect, incomplete or misleading in any important particular.	
<b>PROVISIONS</b>		
1. This report is authorized by the Secretary of Defense, as Executive Agent for the National Industrial Security Program, pursuant to Executive Order 12829. While you are not required to respond, your eligibility for a facility security clearance cannot be determined if you do not complete this form. The retention of a facility security clearance is contingent upon your compliance with the requirements of DOD 5220-22-M for submission of a revised form as appropriate.	2. When this report is submitted in confidence and is so marked, applicable exemptions to the Freedom of Information Act will be invoked to withhold it from public disclosure.  3. Complete all questions on this form. Mark "Yes" or "No" for each question. If your answer is "Yes" furnish in full the complete information under "Remarks."	
<b>QUESTIONS AND ANSWERS</b>		
1. <i>(Answer 1a. Or 1b.)</i> a. (For entities which issue stock): Do any foreign person(s), directly or indirectly, own or have beneficial ownership of 5 percent or more of the outstanding shares of any class of your organization's equity securities?	YES	NO
b. <i>(For entities which do not issue stock)</i> : Has any foreign person directly or indirectly subscribed 5 percent or more of your organization's total capital commitment?		
2. Does your organization directly, or indirectly through your subsidiaries and/or affiliates, own 10 percent or more of any foreign interests?		
3. Do any non-U.S. citizens serve as members of your organization's board of directors (or similar governing body), officers, executive personnel, general partners, regents, trustees or senior management officials?		
4. Does any foreign person(s) have the power, direct or indirect, to control the election, appointment, or tenure of members of your organization's board of directors (or similar governing body) or other management positions of your organization, or have the power to control or cause the direction of other decisions or activities of your organization?		
5. Does your organization have any contracts, agreements, understandings, or arrangements with a foreign person(s)?		
6. Does your organization, whether as borrower, surety, guarantor or otherwise have any indebtedness, liabilities or obligations to a foreign person(s)?		
7. During your last fiscal year, did your organization derive:		
a. 5 percent or more of its total revenues or net income from any single foreign person?		
b. In the aggregate 30 percent or more of its revenues or net income from foreign persons?		
8. Is 10 percent or more of any class of your organization's voting securities held in "nominee" shares, in "street names" or in some other method which does not identify the beneficial owner?		
9. Do any of the members of your organization's board of directors (or similar governing body), officers, executive personnel, general partners, regents, trustees or senior management officials hold any positions with, or serve as consultants for, any foreign person(s)?		
10. Is there any other factor(s) that indicates or demonstrates a capability on the part of foreign persons to control or influence the operations or management of your organization?		

STANDARD FORM 328 (4/1997) (EG)

REPLACES DD FORM 441S  
WHICH IS OBSOLETE

Designed using Perform Pro. WHS/DIOR, Jan 98

REMARKS (Attach additional sheets, if necessary, for a full detailed statement)

Certification

I CERTIFY that the entries made by me above are true, complete, and correct to the best of my knowledge and belief and are made in good faith.

WITNESSES:

\_\_\_\_\_  
(Date Certified)

BY:

\_\_\_\_\_  
(Contractor)

*NOTE: In case of a corporation, a witness is not required but the certificate below must be completed. Type or print names under all signatures.*

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Address)

*NOTE: Contractor, if a corporation, should cause the following certificate to be executed under its corporate seal, provided that the same officer shall not execute both the Agreement and the Certificate.*

CERTIFICATE

I, \_\_\_\_\_, certify that I am the \_\_\_\_\_  
of the corporation names as Contractor herein; that \_\_\_\_\_  
who signed this certificate on behalf of the Contractor, was then \_\_\_\_\_  
of said corporation; that said certificate was duly signed for and in behalf of said corporation by authority of its governing body, and is within the  
scope of its corporate powers.

\_\_\_\_\_  
(Corporate Seal)

\_\_\_\_\_  
(Signature and Date)

- (d) Prior to award of a contract under this solicitation, the DOE must determine that award of the contract to the offeror will not pose an undue risk to the common defense and security as a result of its access to classified information or a significant quantity of special nuclear material in the performance of the contract. In making the determination, the contracting officer may consider a voting trust or other arrangements proposed by the offeror to mitigate or avoid FOCI. The contracting officer may require the offeror to submit such additional information as deemed pertinent to this determination.
- (e) The offeror shall require any subcontractors having access to classified information or a significant quantity of special nuclear material to provide responses to the questions in paragraph (c) of this provision directly to the DOE contracting officer.
- (f) Information submitted by the offeror in response to the questions in (c) above is to be used solely for purposes of evaluating foreign ownership, control, or influence and shall be treated by DOE, to the extent permitted by law, as business or financial information submitted in confidence.

#### NOTICE

Statute prohibits the award of a contract under a national security program to a company owned by an entity controlled by a foreign government unless a waiver is granted by the Secretary of Energy.

#### **K-16. 970.5204-57 Agreement Regarding Workplace Substance Abuse Programs at DOE Sites (Sep 1997)**

- (a) Any contract awarded as a result of this solicitation will be subject to the policies, criteria, and procedures of 10 CFR part 707, Workplace Substance Abuse Programs at DOE Sites.
- (b) By submission of its offer, the offeror agrees to provide to the contracting officer, within 30 days after notification of selection for award, or award of a contract, whichever occurs first, pursuant to this solicitation, its written workplace substance abuse program consistent with the requirements of 10 CFR part 707.

- (c) Failure of the offeror to agree to the condition of responsibility set forth in paragraph (b) of this provision, renders the offeror unqualified and ineligible for award.

#### **K-17. Signature/Certification**

By signing below, the bidder/offeror certifies, under penalty of law, that the representations and certifications are accurate, current, and complete. The bidder/offeror further certifies that it will notify the Contracting Officer of any changes to these representations and certifications. The representations and certification made by the bidder/offeror, as contained herein, concern matters within the jurisdiction of an agency of the United States and the making of a false, fictitious, or fraudulent representation or certification may render the maker subject to prosecution under Title 18, United States Code, Section 1001.

_____ Signature of the Officer or Employee Responsible for the Bid/Offer	_____ Date of Execution
_____ Typed Name and Title of the Officer or Employee Responsible for the Bid/Offer	
_____ Name of Organization	
_____ Street	
_____ City, State	
_____ SOLICITATION NUMBER	

RFP No. DE-RP05-99OR22725  
Draft Section K - December 1998

This Page Is Intentionally Left Blank



ATTACHMENT

INSTRUCTIONS FOR COMPLETION OF THE CERTIFICATE PERTAINING TO FOREIGN INTERESTS

If the offeror/bidder/contractor is owned by a parent organization(s), the FOCI Representations and Certification must be attached for all tier parents, i.e., ultimate parent and any intervening levels of ownership. Each Certification must be signed and dated by an authorized official of the respective organization, i.e., an official identified in your organizations' Articles of Incorporation or By-Laws as responsible for managing the business affairs of the organization, or any other employee, identified by name, of the organization if designated in writing by such an authorized official as having been delegated authority to execute the FOCI Representations and Certification on behalf of the organization.

If your organization owns other entities, consolidated information for all your wholly-and/or majority-owned subsidiaries (foreign and domestic) must be provided.

If the offeror/bidder/contractor is a publicly traded company or a subsidiary of another corporation, the contractor and all tier parents must submit the following information in addition to the executed FOCI Representations:

1. The ultimate parent must submit its most recent annual report, most recent proxy statement for its annual meeting of stockholders, and its Securities and Exchange Commission 10-K Report.
2. Subsidiaries must submit separate consolidated financial information for their organization and all their wholly and/or majority-owned subsidiaries and affiliates.
3. The contractor and all tier parents must submit a list identifying their respective organization's officers, directors, and executive personnel, to include their names; social security numbers; citizenship; titles of all positions they hold within the organization; and what clearances, if any, they possess or are in the process of obtaining and identification of the Government agency(ies) that granted or will be granting those clearances.
4. If any position is vacant, so state.

If the offeror/bidder/contractor is a privately owned company, the following information must be provided in addition to the executed FOCI Representations:

1. Consolidated financial information for their organization and all their wholly-and/or majority-owned subsidiaries and affiliates.
2. This information must be provided by the appropriate official within their organization, e.g., Chief Financial Officer, Treasurer.
3. A list identifying the organization's owners, officers, directors, and executive personnel, to include their names; Social Security numbers; citizenship; titles of all positions they hold within the organization; and what clearances, if any, they possess or are in the process of obtaining and identification of the Government agency(ies) that granted or will be granting those clearances. (All blanks and columns must be addressed. If not applicable (N/A), state N/A or none.) If any position is vacant, so state.

Question #1:

- a. Do any foreign person(s), directly or indirectly, own or have beneficial ownership of 5% or more of the outstanding shares of any class of your organization's equity securities? If yes:
- Identify the percentage of any class of stock or other securities issued, which are owned by foreign persons, broken down by country. Include indirect ownership through one or more intermediate level(s) of subsidiaries. Indicate voting rights of each class of stock.
  - Are there shareholder agreements? If yes, attach a copy(ies), and if none, so state.
  - Indicate whether a copy of SEC Schedule 13D/13G report has been received from any investor. If yes, attach a copy(ies).

NOTE: Ownership of less than 5% should be included if the holder is entitled to control the appointment and tenure of any management position.

- b. (for entities which do not issue stock): Has any foreign person directly or indirectly subscribed 5% or more of your organization's total/capital commitment? If yes:
- Identify the percentage of total capital commitment which is subscribed by foreign persons.
  - Is there an agreement(s) with the subscriber(s) ? If yes, attach a copy(ies), and if none, so state.

Question #2

Does your organization directly, or indirectly through your subsidiaries and/or affiliates, own 10% or more of any foreign interest? If yes:

- Identify the foreign interest by name, country, percentage owned, and personnel who occupy management positions with the organizations.
- If there are personnel from your organization who occupy management positions with the foreign firm(s), identify the name(s), title, and extent of involvement in the operations of the organizations (to include access to classified information).

Question #3:

Do any non-U.S. citizens serve as members of your organizations board of directors (or similar governing body), officers, executive personnel, general partners, regents, trustees or senior management officials? If yes:

- Identify the foreign person(s) by name, title, citizenship, immigration status and clearance or exclusion status.

- Attach copies of applicable by-laws or articles of incorporation which describe the affected position(s). However, if you have already provided such copies to the Cognizant Security Agency Industrial Security Representative, so state.

#### Question #4

Does any foreign person(s) have the power, direct or indirect, to control the election, appointment, or tenure of members of your organization's board of directors (or similar governing body) or other management positions of your organization, or have the power to control or cause the direction of other decisions or activities of your organization? If yes:

Identify the foreign person(s) by name, title, citizenship, and all details concerning the control or influence, Note: If any foreign person(s) have such power, this question shall be answered in the affirmative even if such power has not been exercised, and whether or not it is exercisable through ownership of your facility's securities, if such power may be invoked by contractual arrangements or by other means.

#### Question #5

Does your organization have any contracts, agreements, understandings, or arrangements with a foreign person(s)? If yes:

For each instance, provide the name of the foreign person, country, percentage of gross income derived, and nature of involvement, including:

- whether defense nuclear related or not
- involvement with classified or export controlled technology
- compliance with export control requirements

Where the organization has a large number of involvements and where these involvements are not defense nuclear related and represent a small percentage of gross income, the explanation can be a generalized statement addressing the totals by country.

Note: We do not expect and will not require the contractor to ask every customer if he/she falls within the NISPOM definition of a foreign person. We will ask the contractor to provide ongoing security education to those individuals who negotiate and/or administer such agreements regarding their responsibilities to report agreements with a foreign person(s) to the best of their knowledge. The contractor will be certifying the response to this question to "the best of his/her knowledge" or "through his/her best efforts."

#### Question #6:

Does your organization, whether as borrower, surety, guarantor or otherwise have any indebtedness, liabilities or obligations to a foreign person(s)? If yes:

- Provide your overall debt-to-equity ratio (in percentage).

- With respect to indebtedness or liability to a foreign person, indicate to whom indebted or liable, what collateral has been furnished or pledged, and any conditions or covenants of the loan agreement. If stock or assets have been furnished or pledged as collateral, provide a copy of the loan agreement or pertinent extracts thereof (to include procedures to be followed in the event of default).
- If any debentures are convertible, provide specifics.
- If loan payments are in default, provide details.

This question should be answered in the affirmative if the debt is with a U.S. entity that is owned or controlled either directly or indirectly by a foreign person. If unknown, so state.

Note: As stated above, we do not expect and will not require the contractor to ask every lender if he/she qualifies as a foreign person. We will ask the contractor to provide ongoing security education to those employees who handle lending arrangements regarding their responsibilities to report any such arrangements with a foreign person lender, to the best of their knowledge. The contractor will be certifying the response to this question as being to "the best of his/her knowledge" or "through his/her best efforts."

Question #7:

During your last fiscal year, did your organization derive:

- a. 5% or more of its total revenues or net income from any single foreign person?
- b. In the aggregate 30% or more of its revenues or net income from foreign persons?

If yes to either part of the question:

- Provide overall percentage of income derived from foreign sources by country, nature of involvement, and type of services or products.
- Indicate if any single foreign source represents in excess of 5% or total revenues or net income.
- State whether facility is in compliance with applicable export control requirements.

Note: As previously stated, we do not expect and will not require the contractor to ask every customer if he/she qualifies as a foreign person. We will ask the contractor to provide ongoing security education to those employees who handle information about company revenues regarding their responsibility to report revenues derived from a foreign person(s) to the best of their knowledge. The contractor will be certifying the response to this question as being to "the best of his/her knowledge" or "through his/her best efforts."

Question #8:

Is 10% or more of your organization's securities held in "nominee shares," in "street names" or in some other method which does not disclose the beneficial owner? If yes:

- Identify each foreign institutional investor holding 10% or more of the voting stock by name and address and the percentage of stock held.
- Indicate whether any investor has attempted to, or has exerted any control or influence over appointments to management positions or influenced the policies of the organization.
- Include copies of SEC Schedule 13D/13G.

Question #9:

Do any of the members of your organization's board of directors (or similar governing body), officers, executive personnel, general partners, regent's trustees or senior management officials hold any positions with, or serve as consultant for, any foreign person(s)? If yes:

- Provide the name, title citizenship, immigration status and clearance or exclusion status on all such persons.
- Identify, by name and address, each foreign organization with which such persons serve and indicate the capacity in which they are serving.
- Include a State of Full Disclosure of Foreign Affiliations for every cleared individual who is a representative of a foreign interest.

Note: We expect the contractor to be able to answer this question fully for those individuals holding such positions with his/her foreign subsidiaries and any foreign interests. However, we do not expect and will not require the contractor to ask every individual to ascertain if he/she is serving as a director, officer or manager of a foreign person. We will ask the contractor to provide ongoing security education to all key management personnel of their responsibilities to report serving as an interlocking director or in any other type of positions with a foreign person to the best of their knowledge. The contractor will be certifying the response to this question as being to "the best of his/her knowledge" or "through his/her best efforts."

Question #10

Is there any other factor (s) that indicates or demonstrates a capability on the part of foreign persons to control or influence the operations or management of your organization? If yes:

- Describe the foreign involvement in detail, including why the involvement would not be reportable in the preceding questions.

## DEFINITIONS FOR COMPLETION OF THE CERTIFICATE PERTAINING TO FOREIGN INTERESTS

Affiliate - Any entity effectively owned or controlled by another entity.

Beneficial Owner - The true owner of a security who may, for convenience, be recorded under the name of a nominee. Such ownership entitles the owner to the power to vote or direct the voting of a security or to impose or direct the disposition of a security.

Bond - A certificate which is evidence of a debt in which the issuer promises to repay a specific amount of money to the bondholder, plus a certain amount of interest, within a fixed period of time.

Convertible Debentures - Bonds which the holder can exchange for shares of voting stock.

Covenant - A detailed clause in a lending agreement designed to protect the lender.

Debenture - A general debt unsecured by a pledge of any specific piece of property. Like any other general creditor claims, a debenture is secured by any property not otherwise pledged.

Debt-to-Equity Ratio - Total liabilities divided by total shareholders' equity (total assets minus total liabilities of a corporation; also called stockholders' equity, equity, and net worth). This shows to what extent owners' equity can cushion creditors' claims in the event of liquidation.

Equity Security - An ownership interest in a company, most often taking the form of corporate stock.

Foreign Interest - Any foreign government, agency of a foreign government, or representative of a foreign government; any form of business enterprise or legal entity organized, chartered or incorporated under the laws of any country other than the U.S. or its possessions and trust territories, and any person who is not a citizen or national of the United States.

Foreign Person - Any foreign interest and any U.S. person effectively owned or controlled by a foreign interest.

Guarantor - One who makes the guaranty (an agreement or promise to answer for the debt, default or miscarriage of another).

Immigration Status - Legal basis for a non-U.S. citizen's residence in the United States (e.g., work visa, admission for permanent residence). Note: Immigration and Naturalization Service Form 1-9 is an excellent source for this information.

Joint Venture - A partnership or cooperative agreement between two or more persons or firms, usually restricted to a single specific undertaking. Normally the undertaking is of short duration, such as for the design and construction of a dam.

Liability - Claim on the assets of a company or individual.

Licensing Agreement - A permit granted by one business to another which permits duplication of processes and production of similar items.

Management Positions - For the purposes of the questions on this form, management positions shall include owners, officers, directors, partners, regents, trustees, senior management officials, other executive personnel and the facility security.

Nominee Share - A share of stock or registered bond certificate which has been registered in a name other than the actual owner.

Proxy - One who acts for another. Also, the document by which such a representative is authorized to act.

Representative of a Foreign Interest (RFI) - A citizen or national of the U.S., who is acting as a representative of a foreign interest (see Foreign Interest).

S.E.C. Schedule 13D - This schedule discloses beneficial ownership of certain registered equity securities. Any person or group of persons who acquire a beneficial ownership of more than 5 percent of a class of registered equity securities of certain issuers must file a Schedule 13D reporting such acquisition with certain other information.

S.E. C. Schedule 13G - This schedule is a much abbreviated version of Schedule 13D that is only available for use by a limited category of "persons" (such as banks, broker/dealers, and insurance companies) and even then only when the securities were acquired in the ordinary course of business- and not with the purpose or effect of changing or influencing the control of the issuer.

Sales Agreement - An agreement between two parties for the sale of goods or services on a continuing basis.

Stock Option - An option is the right to buy or sell at some point in the future.

Street Name - The common practice of registering publicly traded securities in the name of one or more brokerage firms.

Subordinated Debenture - A bond having a claim on assets only after the senior debt has been paid off in the event of liquidation.

Surety - One who is immediately liable for the debt of another if that other person or entity fails to pay.

Total Capital Commitment - The sum of money and other property an enterprise uses in transacting its business.

U.S. Person - Any form of business enterprise or entity organized, chartered or incorporated under the laws of the United States or its possessions and trust territories and any person who is a citizen or national of the United States.

List ALL Owners, Officers, Directors, and Executive Personnel (ODEPs)<sup>1,2</sup>

Page \_\_\_\_ of \_\_\_\_

Company's Current Legal Name, Address, and Phone Number

Other names used (e.g., doing business as):

Date Submitted:

of Company's Principal Executive Offices:

---



---



---



---



---

Tax Identification No. 

---

Date Company was Incorporated: 

---

State of Incorporation: 

---

(Must provide any name or address change of the Company's principal executive office and date(s) of change during past 10 years on the Attachment page.)

## Organization Status:

<input type="checkbox"/> Corporation	<input type="checkbox"/> Sole Proprietorship	Partnership <input type="checkbox"/> General <input type="checkbox"/> Limited	<input type="checkbox"/> Other: <hr/>
--------------------------------------	--	---	---------------------------------------

## Stock Ownership:

<input type="checkbox"/> Privately-Owned	<input type="checkbox"/> Publicly-Traded	<input type="checkbox"/> Subsidiary of : <hr/>
--	--	--

NAME First Name, Initial, Last Name	POSITION TITLES	IF OWNER, % OF OWNERSHIP <sup>2</sup>	SSN	CLEARANCE HELD AND/OR BEING OBTAINED AND ISSUING AGENCY	CITIZENSHIP
	Facility Security Officer				

<sup>1</sup>The above information, i.e., name, titles, etc., must be provided for the following: (a) the proprietor of a sole proprietorship; (b) all individuals managing the business affairs of a corporation. In most cases, these individuals are identified in the Articles of Incorporation or By-Laws and include the Board of Directors, President, Secretary, and Treasurer; © the General Partner(s) of a Limited Partnership; and (d) all partners of a General Partnership.

<sup>2</sup>In addition, privately-held entities must provide the above information, i.e., name, titles, etc., for all owners, and also provide the percentage of issued stock/shares held by each owner.

List certified correct by:

---



---



Typed or Printed Name and Signature

Title

Date

COMPANY'S PRINCIPAL EXECUTIVE OFFICE NAME/ADDRESS CHANGE

Company Name/Address Change:

Date of Change:

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

SENSITIVE COUNTRY LISTING  
Effective May 1996

The following is a current list of sensitive countries. Countries appear on this list for reasons of national security, terrorism, or nuclear nonproliferation support.

Algeria  
Armenia  
Azerbaijan  
Belarus  
China, People's Republic of (Including Hong Kong)  
Cuba  
Georgia  
India  
Iran  
Iraq  
Israel  
Kazakhstan  
Kyrgyzstan  
Libya  
Moldova  
North Korea, Democratic Peoples Republic of  
Pakistan  
Russia  
Sudan  
Syria  
Taiwan  
Tajikistan  
Turkmenistan  
Ukraine  
Uzbekistan

Note: Due to the dynamic nature of world events, other countries may, at any time, become sensitive. Therefore, caution should be exercised in dealing with citizens of countries not listed to ensure that sensitive information, although unclassified in nature, is not inadvertently disclosed. This would include nuclear and other U.S. technology and economic information.

## FOCI DATA SHEET

COMPANY NAME:

Listed below are documents required to complete a FOCI Determination.  
FOCI Determination Documents common to all Business Structures

OODEP LIST	_____
RFI STATEMENT	_____
REPRESENTATION & CERTIFICATIONS	_____
WEB PAGE ADDRESS (if applicable)	_____

Additional documents required to be included for a PUBLICLY TRADED CORPORATION

ARTICLES OF INCORPORATION	_____
SEC IOK REPORT	_____
PROXY STATEMENT	_____
SEC SCHEDULES 13D & 13G	_____
CORPORATE BY-LAWS	_____
IRS FORM 5471	_____
ANNUAL REPORT WITH FINANCIAL INFORMATION	_____

Additional documents required to be included for a PRIVATELY OWNED CORPORATION

ARTICLES OF INCORPORATION	_____
CORPORATE BY-LAWS	_____
IRS FORM 5471 (IF APPLICABLE)	_____
ANNUAL REPORT WITH FINANCIAL INFORMATION (OR)	_____
AUDITED FINANCIAL INFORMATION IN LIEU OF ANNUAL REPORT (IF UNAUDITED, SUBMIT A CERTIFICATION ATTESTING TO THE UNAVAILABILITY OF AUDITED INFORMATION)	_____

Additional documents required for a PARTNERSHIP

PARTNERSHIP AGREEMENT	_____
SEC 10K REPORT	_____
PROXY STATEMENT	_____
SEC SCHEDULES 13D & 13G	_____
IRS FORMS 5471 & 1065	_____
LATEST ANNUAL REPORT WITH FINANCIAL INFORMATION (OR)	_____
AUDITED FINANCIAL INFORMATION IN LIEU OF ANNUAL REPORT (IF UNAUDITED, SUBMIT A CERTIFICATION ATTESTING TO THE UNAVAILABILITY OF AUDITED INFORMATION)	_____
MOST CURRENT BOARD MEETING MINUTES IDENTIFYING EXECUTIVE APPOINTMENTS/CHANGES	_____

Additional documents required for a PROPRIETORSHIP

TAX ID NO./STATE REGISTRATION CERTIFICATE \_\_\_\_\_  
IRS FORM 1040 \_\_\_\_\_  
ANNUAL REPORT OR AUDITED FINANCIAL INFORMATION FOR  
MOST RECENT FISCAL YEAR (IF AUDITED REPORT IS NOT AVAILABLE  
CFO/TREASURER MUST SIGN AND DATE THE FINANCIAL STATEMENT  
CERTIFYING THAT IT IS CURRENT AND CORRECT) \_\_\_\_\_  
IF COMMUNITY PROPERTY STATE (AZ, CA, ID, LA, NV, NM, TX, WA,  
WI) SPOUSAL INFORMATION IS ALSO REQUESTED. IF SUBJECT  
IS SINGLE PLEASE SO STATE. \_\_\_\_\_

Additional documents required for a LIMITED LIABILITY CORPORATION

CERTIFICATE OF ORGANIZATION \_\_\_\_\_  
OPERATING AGREEMENT \_\_\_\_\_  
AUDITED FINANCIAL INFORMATION FOR MOST RECENT FISCAL YEAR  
(IF UNAUDITED THE CFO/TREASURER MUST SIGN AND DATE THE \_\_\_\_\_  
FINANCIAL STATEMENT CERTIFYING THAT IT IS CURRENT AND  
CORRECT)

Additional documents required for a COLLEGE/UNIVERSITY

UNIVERSITY CHARTER \_\_\_\_\_  
LATEST ANNUAL REPORT \_\_\_\_\_  
MOST CURRENT BOARD MEETING MINUTES IDENTIFYING  
EXECUTIVE APPOINTMENTS/CHANGES \_\_\_\_\_

SAMPLE FORMAT

REPRESENTATIVE FOR FOREIGN INTEREST STATEMENT

This form is to be initially submitted, as part of the FOCI package, by the contractor or subcontractor. The form should be completed and executed by each employee who holds a position with a foreign interest and who possesses or is being processed for a DOE security clearance who becomes an RFI or whose status as an RFI changes in a manager that would make him/her ineligible for a security clearance.)

Name and address of the foreign firm:

Nature of business of foreign firm:

Details of ownership of foreign firm:

The specific relationship between the foreign firm and the United States firm:

Percentage of time devoted to foreign firm:

Summary of duties with the United State firm. Provide detailed information as well as title of position:

Summary of duties with the foreign firm. Provide detailed information as well as title of position:

Have you ever registered as an Agent of a foreign government as detailed in 18 U.S.C. 219? If so, provide details:

Communist affiliation-, if none, so state:

**CERTIFICATION**

I recognize my special responsibility to protect classified information from disclosure to any unauthorized person, foreign or domestic.

Typed or Printed Name: \_\_\_\_\_

Full Name: \_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_

SSN: \_\_\_\_\_

Facility: \_\_\_\_\_

This Page Is Intentionally Left Blank